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FILED

DEC 19 2001

CLERK, U.S. DISTRICT COURT
DISTRICT OF NEVADA

BY *ym* DEPUTY

CV-S-01-1495-LDG-NA

10 UNITED STATES DISTRICT COURT

11 FOR THE DISTRICT OF NEVADA

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13 IN THE MATTER OF THE EMERGENCY APPLICATION
14 FOR AN ORDER COMPELLING ATX TECHNOLOGIES, INC.
TO SHOW CAUSE WHY ATX TECHNOLOGIES, INC.,
15 SHOULD NOT BE HELD IN CONTEMPT AND TO DIRECT
ATX TECHNOLOGIES, INC. TO FORTHWITH COMPLY
16 WITH THE COURT'S ORDER OF DECEMBER 10, 2001

CCA 171X, LDG

17 The United States of America respectfully requests that
18 the Court enter an Order compelling ATX Technologies, Inc. (ATX),
19 to show cause why it should not be held in contempt for refusing
20 to comply with this Court's order of December 10, 2001, and
21 directing ATX, to forthwith comply with the Court's order of
22 December 10, 2001. In support, the United States shows to the
23 Court as follows:

24 On October 22, 2001, this Court entered an order
25 allowing roving interceptions in a Mercedes Benz S430V, VIN
26 WDBNG70J51A85398.

1 On November 21, 2001, the United States sought and
2 obtained a redacted order, directing ATX Technologies, Inc., to,
3 inter alia, immediately and without delay furnish the FBI all
4 information, facilities and technical assistance necessary to
5 monitor oral communications as provided in the October 22, 2001,
6 order.

7 ATX was duly served with the redacted order by telefax
8 ATX, and on November 21, 2001, the FBI requested assistance as
9 provided in the order. ATX complied without any protest or
10 delay.

11 On December 10, 2001, the United States sought and
12 obtained an extension of the Court's Order allowing the roving
13 interceptions. A redacted order directing ATX to furnish FBI
14 forthwith information, facilities, and technical assistance
15 necessary to accomplish said order was signed by this Court.

16 On December 18, 2001, FBI requested the same assistance
17 from ATX; however, ATX refused. Counsel for ATX orally asserted
18 that compliance with the Court's order was unduly burdensome,
19 without explaining its reasons or allowing the government to
20 accommodate any of its concerns. Instead, counsel indicated that
21 is would be filing a motion to quash the Court's order or for
22 rehearing on December 19, 2001.

23 On December 19, 2001, the undersigned spoke by
24 telephone with Bennie (phonetic) Jones, who indicated that Jason
25 Kerr would serve as local counsel in serving the ATX motion. No
26 motion was faxed. As of 4 p.m., no motion has been faxed or

1 served on the government.

2 The United States advises this Court that time is of
3 the essence in resolving this issue. This Court's order
4 terminates within 30 days. Furthermore, this sealed case is a
5 highly sensitive criminal investigation. As a result of ATX
6 unexplained actions, the government has lost at least one
7 investigative opportunity.

8 Furthermore, government counsel has been orally advised
9 by ATX's counsel that they are hiring local counsel (Jason Kerr)
10 in Las Vegas concerning their motion to quash or for rehearing.
11 The underlying investigation involves possible corruption matters
12 in Las Vegas, Nevada. The government is extremely concerned that
13 ATX, through its technical resources, may determine the identity
14 of possible targets of this investigation and disseminate such
15 information through its associations. Dissemination would
16 violate this Court's order and possibly jeopardize the
17 government's ongoing investigation.

18 Therefore, the United States respectfully requests that
19 this Court enter an Order compelling ATX Technologies, Inc.
20 (ATX), to show cause why it should not be held in contempt for
21 refusing to comply with this Court's order of December 10, 2001,
22 and directing ATX, to forthwith comply with the Court's order of
23 December 10, 2001.

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25 . . .

1 The United States requests that the Court order a
2 hearing no later than Friday, December 21, 2001, at 10 a.m.

3 DATED this 19 day of December 2001.

4 Respectfully submitted,

5 DANIEL G. BOGDEN
6 United States Attorney

7 KATHLEEN BLISS
8 Assistant U.S. Attorney
9 Organized Crime Strike Force
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FILEDCLERK, U.S. DISTRICT COURT
DISTRICT OF NEVADA

UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF NEVADA

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IN THE MATTER OF THE APPLICATION) CCA 171X, LDG
 OF THE UNITED STATES FOR AN ORDER)
 AUTHORIZING THE ROVING INTERCEPTION)
OF ORAL COMMUNICATIONS)

This matter comes before the Court upon application of the United States of America for an order authorizing the Federal Bureau of Investigation (FBI), pursuant to 18 U.S.C. § 2518(11)(a) and the application authorized by the Acting Assistant Attorney General of the Criminal Division of the United States Department of Justice, to conduct the continued roving interception of oral communications of certain individuals at locations that are impractical to specify.

The Court, having reviewed the application and having found that it conforms in all respects to the requirements of Title 18, United States Code, sections 2516 and 2518, has signed an order conforming to the provisions of Title 18, United States Code, section 2518, authorizing the Federal Bureau of Investigation (FBI) to accomplish the aforesaid interceptions.

It further appearing that the applicant has requested that ATX Technologies, Inc. be directed to furnish the FBI forthwith all information, facilities and technical assistance necessary to accomplish these interceptions unobtrusively and with minimum interference to the locations and service to be intercepted,

IT IS HEREBY ORDERED that ATX Technologies, Inc., a communication service provider as defined in section 2510(15) of

1 Title 18, United States Code, shall immediately and without delay
2 furnish the FBI all information, facilities and technical
3 assistance necessary to monitor oral communications in a Mercedes-
4 Benz S430V, VIN WDBNG70J51A185398, to accomplish the roving
5 interceptions unobtrusively and with minimum interference with the
6 service provided the person or persons whose communications are to
7 be intercepted, and to ensure an effective and secure installation
8 or access to electronic devices capable of the roving interception
9 of oral communications, the reasonable expenses for the furnishing
10 of such facilities or technical assistance by ATX Technologies,
11 Inc. to be compensated by the government.

12 IT IS FURTHER ORDERED that the furnishing of said
13 information, facilities, and technical assistance shall terminate
14 after thirty (30) days from the day this order is entered; and

15 IT IS FURTHER ORDERED that this Order is sealed, except
16 that copies of this Order may be served on ATX Technologies, Inc.,
17 and, accordingly, ATX Technologies, Inc., and any of their agents
18 and employees, shall not disclose or cause a disclosure of this
19 order, the request for assistance, or the existence of this
20 investigation, to any person other than those of their agents and
21 employees who require this information to accomplish the services
22 hereby ordered, unless and until otherwise ordered by this Court.

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1 In particular, no such disclosure may be made to a service
2 subscriber, vehicle owner or leasee or any interceptee or
3 participant in the intercepted communications.

4 DATED this 10th day of ^{December}~~November~~ 2001.

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6 LLOYD D. GEORGE

7 UNITED STATES DISTRICT JUDGE
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20 12-10-01
21 I hereby certify that the foregoing is a full, true and correct
22 copy of the original as it appears in my Office, and in my
23 FILED U.S. DISTRICT COURT
DISTRICT OF NEVADA

24 Cynthia Jensen
25 Deputy
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